

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIC KINGSMILL	:	CIVIL ACTION
	:	
v.	:	
	:	
POLICE OFFICER CHRISTOPHER	:	
SZEWCZAK, and	:	
CITY OF PHILADELPHIA	:	NO. 15-2386

ORDER

AND NOW, this 30th day of July, 2015, upon consideration of plaintiff Eric Kingsmill's amended complaint (docket entry #2), defendant Police Officer Christopher Szewczak and the City of Philadelphia's motion to dismiss (docket entry #5), and Kingsmill's response in opposition thereto, and for the reasons set forth in our Memorandum issued this day on this case, it is hereby ORDERED that:

1. Defendants' motion to dismiss (docket entry #5) is GRANTED IN PART;
2. Count II of the amended complaint (docket entry #2) is DISMISSED WITHOUT PREJUDICE; and
3. Defendants shall ANSWER the amended complaint by noon on August 12, 2015.

BY THE COURT:

/s/ Stewart Dalzell, J.  
Stewart Dalzell, J.